

Subpart F—Decisions and Appeals

- 179.101 Interlocutory appeal from ruling of presiding officer.
- 179.105 Initial decision.
- 179.107 Appeal from or review of initial decision.
- 179.110 Determination by Administrator to review initial decision.
- 179.112 Decision by Administrator on appeal or review of initial decision.
- 179.115 Motion to reconsider a final order.
- 179.117 Designation and powers of judicial officer.

Subpart G—Judicial Review

- 179.125 Judicial review.
- 179.130 Administrative record.

AUTHORITY: 21 U.S.C. 346a, 348, 371(a); Reorg. Plan No. 3 of 1970.

SOURCE: 55 FR 50293, Dec. 5, 1990, unless otherwise noted.

Subpart A—General Provisions**§ 179.3 Definitions.**

Administrator means the Administrator of the Agency, or any officer or employee of the Agency to whom the Administrator has delegated the authority to perform functions under this part.

Agency means the United States Environmental Protection Agency.

Assistant Administrator means the Agency's Assistant Administrator for Prevention, Pesticides and Toxic Substances, or any officer or employee of OPPTS to whom the Assistant Administrator has delegated the authority to perform functions under this part.

FFDCA means the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. 301–392.

FIFRA means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136–136y.

Judicial Officer means a person who has been designated by the Administrator under § 179.117 to serve as a judicial officer.

Office of the Administrator means the Agency's Administrator and Deputy Administrator and their immediate staff, including the judicial officer.

OPPTS means the Agency's Office of Prevention, Pesticides and Toxic Substances.

[55 FR 50293, Dec. 5, 1990, as amended at 57 FR 28087, June 24, 1992]

§ 179.5 Other authority.

Questions regarding procedural matters arising under this part or part 178 of this chapter that are not addressed by this part or part 178 of this chapter shall be resolved by the Administrator or presiding officer, as appropriate.

Subpart B—Initiation of Hearing**§ 179.20 Notice of hearing.**

(a) If the Administrator determines under § 178.32 of this chapter that a hearing is justified on any issue, the Administrator will file with the hearing clerk and publish in the FEDERAL REGISTER a Notice of Hearing. The Notice of Hearing will set forth:

(1) The docket number for the hearing.

(2) Each order, regulation, or petition denial that is the subject of the hearing, and a statement specifying any part of any such regulation or order that has been stayed in the Administrator's discretion.

(3) The identity of each person whose request for a hearing has been granted, and of any other person whose petition under § 177.81 or § 180.7 of this chapter occasioned the order that the hearing concerns.

(4) A statement of the issues of fact on which a hearing has been found to be justified.

(5) A statement of the objections whose resolution depends on the resolution of those issues of fact.

(6) A statement that the presiding officer will be designated by the Chief Administrative Law Judge.

(7) The time within which notices of participation should be filed under § 179.42.

(8) The date, time, and place of the preliminary conference, or a statement that the date, time, and place will be announced in a later notice, and the place of the hearing.

(9) The time within which parties must submit written information and views under § 179.83.

(10) Designations with respect to separation of functions published under § 179.24(b)(2).

(b) The statement of the issues of fact on which a hearing has been justified determines the scope of the hearing and the matters on which evidence